

Applicant(s): Thomas C. Prentice et al.
U.S.S.N.: 09/928,112

REMARKS

In response to the final Office action mailed October 27, 2003, Applicants respectfully request reconsideration. To further the prosecution of the application, the specification has been amended to update the status of the related applications, and claims 37-44 and 47-51 have been cancelled. Accordingly, claims 1-7, 45, 46, 52 and 53 are pending, of which claims 1 and 52 are in independent form. The application as presented is believed to be in allowable condition.

The undersigned Applicants' Attorney would like to thank the Examiner for participating in a telephonic interview regarding this application on February 26, 2004. During the interview, the rejections of the claims and the cited prior art were discussed. While the Examiner reserved the right to review the matter, the Examiner indicated that the suggested amendments and the arguments made during the interview should place the claims in allowable condition, and that he would consider them further upon reviewing this response.

As indicated in the Office action, the Examiner restricted the claims and grouped them into three separate groups. The Examiner elected to examine the Group I claims, i.e., claims 1-7, 45, 46, 52 and 53. Applicants affirm the election by the Examiner without traverse of the Group I claims, and have cancelled the claims of Groups II and III, preserving the right to pursue the cancelled claims in a divisional application.

Claims 1, 6 and 45 are rejected in the Office action as being unpatentable under 35 U.S.C. §103(a) over Bouras et al. (U.S. Patent No. 5,906,682) in view of Ackeret (U.S. Patent No. 3,894,591).

Bouras et al. discloses a dispensing system for accurately dispensing material on a substrate comprising a dispensing element having a metering device (*see* Col. 4, lines 11-21), and a calibration device with a platen (53) for receiving material from the dispensing element. Platen (53) is illustrated as (*see* Fig. 5), and has the common meaning of, a flat plate.

Ackeret discloses a kitchen balance or scale having a deep, cup-shaped weighing container 12 (*see* Col. 2, lines 42-43), which is used to weigh ingredients while preparing food. Ackeret does not disclose a dish or container having a conical protuberance extending upwardly from the center portion of the dish.

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In the Office action, the Examiner states that one skilled in the art would appreciate that the claimed shape would be well known and conventional as it would enable “proper placement of the dish at the proper location of the weigh module.” Applicants believe it would not have been obvious to combine Bouras et al. and Ackeret. However, as discussed below, even assuming that it would have been obvious to combine the references, which the Applicants do not contend, the combination does not disclose or suggest all of the elements of the claims.

Claim 1 is directed to a dispensing system for dispensing a material onto a substrate. The dispensing system includes:

- (a) a dispensing element having a metering device that controls a quantity of the material dispensed from the dispensing element to the substrate; and
- (b) a calibration device to calibrate the quantity of material dispensed having a dish that receives the material from the dispensing element during a calibration routine of the dispensing system, the dish including a conical protuberance extending from a center portion of the dish.

In contrast with claim 1, neither Bouras et al. nor Ackeret, either alone or in any valid combination, discloses or suggests a dish having a *conical protuberance extending from a center portion of the dish*. Accordingly, claim 1 is patentably distinguishable over the proposed combination of Bouras et al. and Ackeret, and the rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn.

Claims 2-7, 45 and 46, which depend directly or indirectly from claim 1, are patentable for at least the same reasons. Further, these claims include additional limitations that are patentably distinguishable over the proposed combination of Bouras et al. and Ackeret.

Claims 52 and 53 are rejected as being unpatentable under 35 U.S.C. §103(a) over Bouras et al. and Ackeret, and in further view of Manser (U.S. Patent No. 5,932,062).

Independent claim 52 includes the provision of a dish having a protuberance. None of the prior art of record, including Bouras et al., Ackeret and Manser, show or suggest such a protuberance. Accordingly, the rejection of claim 52 under 35 U.S.C. §103(a) should be withdrawn.

Claim 53, which depends from claim 52, is patentable for the same reasons given for claim 52.

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CONCLUSION

Based on the foregoing, the application is believed to be in allowable condition and a notice to that effect is respectfully requested. If the Examiner has any questions regarding the application, he is invited to contact the Applicants' Attorney at the number provided below.

Respectfully submitted,



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Date: February 27, 2004